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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/550,892

08/31/2006

Antonino Cultraro

Q90028

3710

23373 7590 12/22/2008  
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EXAMINER

WILLIAMS, THOMAS J

ART UNIT

PAPER NUMBER

3657

MAIL DATE

DELIVERY MODE

12/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                       |   |  |
|------------------------------|---------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/550,892  | <b>Applicant(s)</b><br>CULTRARO, ANTONINO |  |
|                              | <b>Examiner</b><br>Thomas J. Williams | <b>Art Unit</b><br>3657                   |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/27/05</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

### **DETAILED ACTION**

1. Acknowledgment is made in the receipt of the preliminary amendment, the information disclosure statement and priority papers filed September 27, 2005, and the oath filed August 31, 2006.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8, 10, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by US 20030183039 A1 to Ohta et al.

Re-claim 1, Ohta et al. disclose a device for slowing movement, comprising: a casing 35 affixed to a fixed structure 30; a rotor 31 is housed within the casing and includes a disc portion 37 and a shaft portion 48 operatively fixed to a moveable structure 27, corresponding first and second opposing surfaces are formed in the casing and the rotor, respectively, the first surface has a recess for housing a pin portion of a pivotable arm 64, the second surface has an elongate groove 60, the groove has a cam portion 60c dividing the groove into a return path and a forward path, the cam portion releasable locks the pin in position.

Re-claim 2, the arm pivots relative to the pin portion, which is integral with the casing, see figure 6.

Re-claim 3, the arm element pivots within the recess.

Re-claim 4, the arm is formed as one piece.

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Re-claims 5 and 6, the surface of disc portion of the rotor containing the groove may be interpreted as either the upper surface or lower surface depending upon how one views the device, as such the first surface is the base surface of the chamber and the second surface is the lower surface.

Re-claim 7, the respective surface face each other during rotation, see figure 2.

Re-claims 8 and 10, the first surface (casing surface) is the upper surface and the second surface (rotor surface) is the lower surface, when viewed with the rotor below the casing.

Re-claim 11, the rotor has a through hole, the through hole receives a rod element 52 defining a pivot axis for the moveable member 27.

Re-claim 13, retaining pawls 41 keep the surfaces close together during rotation.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. in view of US 4,660,881 to Komeya et al.

Re-claims 9 and 12, Ohta et al. fail to teach the disc portion of the rotor having a plurality of vanes extending radially therefrom, in particular having vanes extending from disc rotor surface 37b. Komeya et al. teach a rotation damper having a viscous fluid, wherein a rotor is provided with vanes 84 extending into the fluid for providing rotational resistance, see column 6 lines 28-31. It would have been obvious to one of ordinary skill in the art to have provided the

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rotor surface 37b of Ohta et al. with vanes as taught by Komeya et al., thereby providing a greater resistance to rotation.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Foggini, Kim et al., Cultraro and Arakawa each teach a rotary damper with a releasable stop surface.

7. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

/Thomas J. Williams/  
Primary Examiner, Art Unit 3657

December 17, 2008